

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Michael Reaves,

Plaintiff,

v.

Verizon Wireless; and DOES 1-10, inclusive,

Defendants.

Civil Action No.: _____

COMPLAINT

Plaintiff, Michael Reaves, says by way of Complaint against Defendant, Verizon Wireless, as follows:

JURISDICTION

1. This action arises out of Defendants' repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the "TCPA").
2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendants transact business here, Plaintiff resides in this judicial district, and a substantial portion of the acts giving rise to this action occurred here.

PARTIES

4. The Plaintiff, Michael Reaves ("Plaintiff"), is an adult individual residing in Trenton, New Jersey.
5. Defendant Verizon Wireless ("Verizon"), is a New York business entity with an address of 2000 Corporate Drive, Orangeburg, New York 10962.

6. Does 1-10 (the “Agents”) are individual employees/agents employed by Verizon and whose identities are currently unknown to the Plaintiff. One or more of the Agents may be joined as parties once their identities are disclosed through discovery.

7. Verizon at all times acted by and through one or more of the Agents.

FACTS

8. Within the last four years, Verizon placed calls Plaintiff’s cellular telephone.

9. At all times referenced herein, Verizon placed calls to Plaintiff’s cellular telephone in an attempt to collect a debt.

10. Verizon placed calls to Plaintiff’s cellular telephone by using an automated telephone dialer system (“ATDS”) and/or by using an artificial or prerecorded voice.

11. When Plaintiff answered the calls from Verizon, he heard a prerecorded message delivered by Verizon.

12. Often times when Plaintiff answered a call from Verizon, he was met with music and there was not a person available with whom Plaintiff could speak.

13. Plaintiff never provided his cellular telephone number to Verizon and never provided his consent to Verizon to be contacted on his cellular telephone.

14. The telephone number called by Verizon was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

15. The calls from Defendant to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

COUNT I
VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT – 47
U.S.C. § 227, et. seq.

16. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

17. Without prior consent the Defendants contacted the Plaintiff by means of automatic telephone calls or prerecorded messages at a cellular telephone or pager in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

18. Verizon placed calls to Plaintiff's cellular telephone using prerecorded voice knowing that it lacked consent to call his number. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

19. As a result of each call made in negligent violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

20. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the Defendants:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C);

C. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: March 12, 2013

Respectfully submitted,

By: /s/ Sofia Balile

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